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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,899	03/08/2004	William Whittaker	1615-1	1522
7590	10/01/2004		EXAMINER	
JOHN MAIER, III 666 AARON COURT KINGSTON, NY 12401			GRANT, ALVIN J	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/795,899	WHITTAKER, WILLIAM
	Examiner Alvin J Grant	Art Unit 3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1—14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khachatoorian '774 in view of Pamias '266.

Khachatoorian discloses a tool for stripping shingles from a roof: the claw being a plate with a front edge, the claw having a bottom surface and a top surface, the front edge having teeth and a handle, the claw is a generally triangularly-shaped plate with a front edge; the front edge having teeth; the claw has a rear tip, the rear tip being bent upwardly away from the bottom surface at an acute angle in the range of approximately twenty-five degrees. Khachatoorian does not disclose a handle having a lower section located at an acute angle upwardly from the bottom surface, the lower intermediate section connected to the lower section at an acute angle upwardly away from the bottom surface, an upper intermediate section connected to the lower intermediate section at an acute angle downwardly toward the bottom surface, an upper section connected to the upper intermediate section at an acute angle upwardly away from the bottom surface and hand grips. Pamias discloses a handle comprising lower section located at an acute angle upwardly from the bottom surface, the lower intermediate section connected to the lower section at an acute angle upwardly away from the

bottom surface, an upper intermediate section connected to the lower intermediate section at an acute angle downwardly toward the bottom surface, an upper section connected to the upper intermediate section at an acute angle upwardly away from the bottom surface and hand grips so as to better suit the normal movements of the body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the shingle stripper of Khachatoorian to have a handle comprising lower section located at an acute angle upwardly from the bottom surface, the lower intermediate section connected to the lower section at an acute angle upwardly away from the bottom surface, an upper intermediate section connected to the lower intermediate section at an acute angle downwardly toward the bottom surface, an upper section connected to the upper intermediate section at an acute angle upwardly away from the bottom surface and hand grips as taught by Pamias so as to better suit the normal movements of the body.

Conclusion

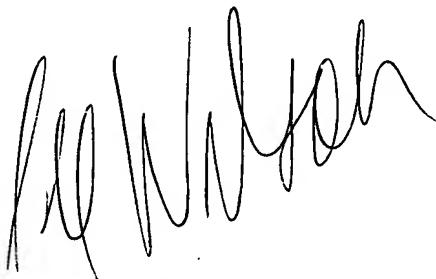
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajg

A handwritten signature in black ink, appearing to read "LEE D. WILSON".

**LEE D. WILSON
PRIMARY EXAMINER**